

## BRINDELL'S TRIAL

### IS IN FULL SWING; JURY BEING PICKED

Order to Show Cause From Court of Appeals Fails to Act as a Stay.

TO REST ON ONE BRIBE.

Mr. Untermeyer Decides to Confine This Case to \$5,000 Extorted From Builder.

The selection of a jury to try Robert P. Brindell, President of the Building Trades Council for extortion, was begun to-day before Justice McAvoy, sitting in Extraordinary Term of the Supreme Court in the Criminal Courts Building.

Sixty-seven of the 100 special talemen summoned responded to their names.

None of the talemen examined before the noon recess were qualified as jurors. Two of the first four were peremptorily challenged by the defense, which has twenty challenges.

It was announced at the outset that the trial would be confined to the charge that Brindell, Sept. 27, 1920, extorted \$5,000 from Max Aronson, President of the No. 25 West Thirty-sixth Street Corporation, by threatening to order a strike. The penalty is imprisonment up to fifteen years.

The prosecution was served to-day with an order by Judge Crane of the Court of Appeals to show cause why the trial should not be stayed pending a review by the Court of Appeals of the denial of a charge of revenue by the Appellate Division. The order does not serve as a stay now. It is returnable for argument Friday. Samuel Untermeyer, acting as special Attorney General, after consultation with his assistants, Deputy Attorney General Samuel Perrier, Special Deputy Stanley Richer and Assistant District Attorney Robert Johnstone decided to go on with the case until stopped by an actual stay—which they are confident will not be granted.

Brindell came into court with his counsel, Martin W. Littleton. He was apparently as calm as though he were about to preside at a meeting of his Board of Walking Delegates. Justice McAvoy ordered the trial to proceed. Mr. Littleton began filing objections. The first was that Justice McAvoy was without jurisdiction because the indictment was found in General Sessions and could not be transferred to the Extraordinary Term of the Supreme Court. It was too late a technicality for argument to grasp. Justice McAvoy dismissed it. Mr. Littleton objected to the special panel called for the same reason and was again overruled, as was his objection on the ground that change of venue proceedings were still pending.

HOW THE JURORS WERE SELECTED. Twelve talemen were called to occupy the seats in the jury box, and as many more as room could be found for were seated in chairs around the witness chair. This was so all could hear the questions asked of the talemen first examined and lengthy repetitions of questions eliminated.

William Cole of No. 327 West 44th Street, a caterer, said he did not know the particular charge on which Brindell was to be tried. Asked what he thought extortion was, he said "taking money away from another fellow when it isn't coming to you."

Mr. Littleton was not on his feet for an objection quicker than his client, whose thin nose was fairly quivering with indignation and whose broad, toothsome smile vanished. Neither spoke. Mr. Littleton had to devote himself to quieting Brindell, who was soon smiling again.

Mr. Cole finally said he "wasn't against organized labor but I don't like labor unions."

"Your Honor," said Mr. Untermeyer, "we want nobody on this jury who is prejudiced against labor unions." Mr. Cole was excused.

Mr. Littleton's first chance to show his idea of a juror's qualifications was in questioning G. M. Marshall of No. 35 West 139th Street, a clerk in the office of the treasurer of the New York Life Insurance Company. Mr. Littleton went at once to an inquiry regarding prejudices Mr. Marshall might have gained from newspaper reading. He laid stress on the effect on the taleman of reading The Evening World's disclosures regarding the feeling against Brindell's labor tyranny as the motive that led to the Wall Street explosion. Mr. Marshall said he had read The World and Evening World more than any other newspapers, but his reading would not interfere with his rendering a fair verdict on the evidence in this particular case. Marshall was challenged by Mr. Littleton.

William J. Julien of No. 19 East 16th Street, an insurance broker, was asked by Mr. Littleton if he could give an impartial verdict if Brindell exercised his privilege of paying off

the witness stand—which was taken as an indication of counsel's intention not to allow the defendant to testify. Mr. Littleton nevertheless used his second peremptory challenge.

George F. Myers of No. 770 St. Nicholas Avenue, manufacturer of cotton-backed paper and packing at No. 100 West Street, admitted a "slight hostility" to Brindell's reported methods.

## TO GO AFTER TRUSTS IN BUILDING LINES

Organizing Staff to Proceed Against Cement, Steel and Other Rings.

The work of organizing a staff to investigate and prosecute violations of the Federal anti-trust laws in the building trades was started to-day by William Rand and L. J. Kresel, members of the firm of Jerome, Rand & Kresel, following a meeting in Washington yesterday between Mr. Rand and Attorney General Palmer. It is expected that the staff will be completed this week and that evidence of alleged combinations in restraint of trade in cement, steel and white lead will be presented to a Federal Grand Jury next week. A special panel has been called for Monday.

The investigation will be along the lines usually followed with Grand Jury cases and there will be no public hearings like those held by the Lockwood committee, at which much of the evidence to be used by the special prosecutors, Mr. Rand and Mr. Kresel, was developed.

## LEAPS FROM TRAIN, LANDS IN JAIL

New Yorker Springs Ankle Jumping From Express to End His Life.

(Special to The Evening World.) CRESSBORN, Pa., Jan. 11.—Dependent because of domestic troubles, Ferdinand Celler, forty, of No. 545 Third Avenue, New York, leaped from the Philadelphia Express east of here late yesterday. He suffered cuts and bruises and a sprained ankle.

Celler was found by two small boys after receiving medical attention he was turned over to the police and later was removed to the County Jail at Elmhurst.

Celler told the police that after he had jumped from the train he was robbed of \$10 by two negroes who promised to get a doctor. According to Celler he is married and has several children. He blames a relative for his domestic troubles.

## RECEIVERS FOR OIL CO.

Action Against Petroleum Producer and Refining Co. Taken.

An involuntary petition in bankruptcy was filed to-day against the Petroleum Producing and Refining Co., No. 601 Fifth Avenue. The liabilities are given at \$800,000 and assets \$1,000. Within the jurisdiction of this court, Petitioning creditors are Rose P. Kirk of Syracuse, \$12,000; Edward N. Trump, of Syracuse, \$12,000; and Louis Emerick of Elkhart, N. Y., \$1,000.

Large preferential payments to A. C. Headley and others are alleged.

Judge Hand appointed John E. Tuck, of Syracuse, and Elwood Robinson, of this city, joint receivers.

## BANKER TO WED ARTIST.

Mrs. Millett and D. C. Malcolm Visit License Bureau.

Mrs. Thais Westcott Millett, an artist, living at No. 114 East 66th Street, and Donald C. Malcolm, a banker, of No. 50 Vanderbilt Avenue, will be married on Jan. 21 by the Rev. William C. Sullivan. It became known to-day when they obtained a license at the Marriage License Bureau in the Municipal Building.

Mr. Malcolm is well-known in banking circles. Mrs. Millett is a daughter of Robert E. Westcott and divorced her husband, Stephen Caldwell Millett, in Paris last May.

## INDICTED IN EASTMAN CASE.

Hobbs Said to Have Confessed Slaying Gangster.

Jeremiah W. Hobbs, Internal Revenue Inspector on the staff of Prohibition Director O'Connor, was indicted by the Grand Jury to-day for murder in the first degree. It is charged that he shot and killed Monk Eastman, former gangster and later war hero, at Fourth Avenue and 114th Street.

The indictment was handed up to Judge Craig in the Court of General Sessions. Hobbs is reported to have confessed the shooting, pleading self-defense.

O'Dowd Acquitted of Cop's Charge. Michael O'Dowd, former middleweight boxing champion, was freed in Gates Avenue Court, Brooklyn, to-day from a charge of having attacked Patrolman Michael Reilly last Sunday morning.

The policeman testified that O'Dowd and companions were boisterous at Rockaway Avenue and Broadway. When he warned them, he said, O'Dowd struck him, causing a black left eye. O'Dowd is twenty-five years old and lives at No. 245 Carlton Avenue, Brooklyn.

## DARK GLASS CURE FOR THE BLONDE TEMPERAMENT

Glaring Sunlight of This Climate Is Cause of Trouble, Says Expert.

CHICAGO, Jan. 10. "BLONDES are not adapted to this climate; the glaring sunlight irritates their nerves." This was the statement made to-day by Dr. R. C. Augustine, President of the American Optometric Association, at their convention in the Hotel Sherman.

Dr. Augustine suggested that if a blonde wife or sweetheart is too temperamental she should be made to wear dark glasses.

## BEARS IN A ROUT AS STOCKS TAKE UNEXPECTED RISE

Crucible Goes to 107, Up 11—Many Industrials Advance Sharply.

Trading on the Stock Exchange became highly excited this afternoon when big plungers who have been operating on the short side of the market were administered a severe whipping through a rise in industrial specialties ranging from four to ten points.

Crucible Steel was the star performer. The short interest in this stock is so large that it carries a premium of 3-4 of 1 per cent, so that persons who borrow the stock to deliver against short sales must pay \$75 a day for every 100 shares borrowed. To-day Crucible rose nearly 11 points and went above 107 compared with a recent low of 70. Only yesterday it sold below 86.

Other spectacular advances were Fisher Body, 10 points; Atlantic Gulf, in which big bear operators recently have been particularly aggressive, 7 points; Mercantile Marine preferred, nearly 6 points; General Asphalt, 4 points, and Advance of 3 points or more were common. United States Steel touched \$42-4, the top price of the present recovery.

Factors aiding the market's rise were a relaxation in money rates, and a forward spurt in foreign exchange rates. Demand sterling went above \$3.76 compared with a deduction of \$3.66 which prevailed as recently as two weeks ago.

## DEAD HAND HELD PISTOL AT WINDOW

Passerby Tells Police, Who Find Suicide as Wife Sought Protection.

A motionless hand with a revolver in it was observed this morning by persons passing No. 35 Joralemon Street, Brooklyn, a Spanish boarding house. The police broke in and found Nicolas Fontenla, proprietor, dead in bed, his hand with the gun resting on the window sill.

Meanwhile Fontenla's wife was at the Poplar Street Police Station asking protection. She said her husband had threatened to kill her, all the boarders, and himself. But he killed only himself.

## RECORDS REFUSED BY CRAIG.

Tells La Guardia's Secretary to Get Authorization From His Chief.

William O'Connor, Legislative Secretary for Aldermanic President La Guardia, went to the Finance Department this morning to make a copy of the list of telegrams and vouchers which form the basis of Comptroller Craig's charge against President La Guardia.

O'Connor reported back that the Comptroller refused to permit a copy of the records unless he had a letter from his superior, President La Guardia.

With the letter O'Connor visited the office shortly before 2 o'clock. He says he was told the Comptroller had gone to lunch and would not be back until 3 o'clock.

Comptroller Craig was seen while on his way to lunch intimating he would honor the letter from President La Guardia.

## MRS. FRANZEN GONE AGAIN.

Says She Won't Contest If Husband Wants a Divorce.

MADISON, Wis., Jan. 11.—Mrs. Philip Franzen, whose escapade with Pierre P. Auther, Highland Park, Ill., chemist, was followed by a reported reconciliation with her husband, has again left Madison. It became known to-day. She was reported to have gone to Chicago. Last night Mrs. Franzen said she would not contest a divorce action if one is started by her husband.

Franzen has not pressed further his efforts to have withdrawn the warrant charging Auther with grand larceny. Yesterday he visited the District Attorney in an effort to have the document quashed and told officials that he believed his wife was repentant and would remain with him and their adopted child.

## MRS. NOTT ONLY 11 ALIENIST TESTIFIES AT TRIAL OF WADE

Prisoner's Attorney Gains Point in Having Answer Stricken From Record.

Special From a Staff Correspondent of The Evening World.

BRIDGEPORT, Conn., Jan. 11.—State Attorney Homer Cummings was prevented this morning, in the courtroom of the trial of Edward B. Wade, for the murder of George B. Nott, through Dr. John C. Lynch, chief alienist for the State, showing the mental ages of Mrs. Ethel Hutchins Nott, widow of the murdered man, and John E. Johnston, who are implicated in the murder, and of William Rooney, a witness.

The mentality of Wade, it has been testified, is that of a normal person twelve and one-half years old.

"I am introducing this evidence to show that these tests determining the mental age are useless unless properly explained," said Mr. Cummings in arguing for the admission of the testimony.

"I can show that the assumption of incompetence through the determination of so-called mental age is fallacious."

Dr. Lynch had answered that Mrs. Nott, who is thirty, has a mental age of eleven years and eleven months when counsel for Wade objected and drew Mr. Cummings's fire.

Judge Hinman, however, sustained the objection, which was made for each of the three, on the grounds that the conclusions concerning Wade's sanity were not based solely on the tests. He ordered the answer concerning Mrs. Nott's mental age stricken from the record.

The testimony of the State's alienists is expected to consume the greater part of the day, and summing up of the case probably will be made to-morrow.

Dr. C. C. Godfrey, who followed Dr. Lynch to the stand, as an alienist for the State, testified he did not believe Wade was overcome by an irremediable impulse when he killed Nott.

## \$2,000 FOR CITY HALL FIRE.

Verdict Against Contractors Blamed for Tower Blaze.

A jury before Supreme Court Justice John Ford to-day allowed the city \$2,000 in a suit for \$25,000 against Charles Schlesinger and William Horn, contractors charged with carelessness which resulted in the burning of the City Hall tower in 1917.

It was alleged one of their employees left a charcoal brazier unguarded while a new skylight was being installed. Corporation Counsel O'Brien appeared for the city.

## VIENNA UNIONS MAKE THREAT TO HANG PROFITEERS

Will String Guilty to Lamp-Posts if Practice Does Not Stop.

VIENNA, Jan. 10. To-day by Chancellor Mayr to devise means of checking the rising prices of commodities, attended by the heads of the unions of telegraphers, telephone linemen, stationary engineers and kindred occupations, notice was served upon the Government that unless it was able before the end of the month to suppress profiteering the members of these organizations would "take the law in their own hands and hang the guilty on lamp-posts."

The workers demanded Government censorship over the telegraph and telephone lines as an aid in the wiping out of profiteering.

## HOUSE IS TOLD WHY U. S. NEEDS BIGGEST NAVY BY DANIELS

Only Alternative Is International Agreement, He Says—Advise Harding to Urge It.

WASHINGTON, Jan. 11.—"An international agreement with all, or practically all, the nations which will guarantee an end of competition in navy building" was presented as the only alternative to the building by the United States of a navy powerful enough "to command the respect and fear of the world" by Secretary Daniels in testimony to-day before the House Naval Affairs Committee.

The Naval Secretary, who appeared before the committee in connection with its consideration of the subject of disarmament, dismissed as unworthy of discussion a third proposal for an American navy less than equal to the most powerful sea power in the world "because it is a waste of money to spend money on an agency of war which would be helpless if needed."

"If President-Elect Harding should do me the honor to ask my advice on the subject," declared Mr. Daniels, "I would unhesitatingly say to him: 'If the United States is not to become at once a member of the League of Nations I believe some plan should be adopted at once to secure an agreement for a reduction of armaments. You will have the authority to call such a conference. You can set on March 5 and hasten the coming of the day when the taxpayers of this country and of all countries may be safely freed from the great burdens of war preparations. Until that conference secures world agreement let there be no cessation in building the ships authorized by Congress.'"

Characterizing the "naval holiday" between the United States, Great Britain and Japan, provided for in the pending resolution introduced by Senator Borah of Idaho, as a "half way measure," Mr. Daniels reiterated his opposition to this country entering into such an agreement.

Author of Popular Hymns Buried. CAPE MAY, N. J., Jan. 11.—The Rev. Edgar Page Stiles, author of "Beulah Land" and other hymns, was buried in Cold Spring Cemetery here after services for the aged hymn writer had been held in the Methodist Episcopal Church. Mr. Stiles was eighty-four years old and in early life was a Delaware River pilot. From 1870 to 1880 he was a Methodist missionary in Dakota.

## SEEK 2 DYNAMITE THIEVES.

Robbery of Explosives at Bronx Power Plant Puzzles Police.

Chief Dixon of the Bureau of Combustibles and detectives are seeking two men who stole thirty sticks of dynamite from the Dittmar Powder Works in Baychester, the Bronx. It became known to-day. The robbery of the explosives occurred last Friday, two men overpowering John Fowler, keeper of the explosive magazine, and locking him in the chamber of terror.

Although there were 430 sticks of dynamite in the magazine, the police are puzzled as to why but thirty were taken.

## \$2,000,000 COST TO SALVAGE RUINED CENSUS RECORDS

One-Third Must Be Copied—Fire Blamed on Cigarette Smoking.

WASHINGTON, Jan. 11.—Census Bureau officials said to-day it would cost \$2,000,000 and require from two to three years to copy off and thus save the census records damaged by the fire last night in the basement of the Department of Commerce Building.

Complete examination of the damage done by water and fire showed that the 1890 records, the most voluminous of the entire number, were almost totally destroyed and officials said it would take months of work to even save a portion. The records of 1860, 1870, 1880, 1890 and 1910 were partially damaged by water, but enumeration records previous to 1860 are practically intact.

T. J. Fitzgerald, Chief Clerk of the Census Bureau, made plans to-day for removing the records from the vaults and drying them out, preparatory to beginning the work of copying them. It is estimated that at least one-third of the records from 1790 to 1910 would have to be copied.

The Department of Commerce was closed to-day while repairs to the building were being made.

Cigarette smoking was blamed in the Senate to-day for the fire. Senator Smoot, Republican, Utah, declared that smoking during working hours in the Government departments should be stopped. He and Senator Poinsett, Republican, Washington, urged establishment of a Federal archives building to protect such valuable records as were destroyed in the Commerce Department fire.

## HELD AS CHECK FORGER.

Alleged to Have Used Name of Dean Hicks of Columbia.

Frederick M. Chase of Washington, D. C., pleaded guilty to-day in Morrisania Court to having forged the name of Fred C. Hicks, Dean of Columbia University, to checks and was held for the Grand Jury in \$1,500 bail by Magistrate Ten Eyck.

Between \$400 and \$700 worth of checks were forged and passed on Bronx merchants. Chase was arrested a few nights ago on a charge of disorderly conduct following a quarrel on the street with a woman.

## INAUGURAL BALL AND PARADE OFF ON HARDING'S PLEA

(Continued From First Page.)

Harding, but they seem in a fair way to be disappointed this year.

The action of the committee in meeting the wishes of the President-elect means work by numerous committees will be undone and approximately \$200,000 subscribed by Washingtonians toward the inauguration expenses will be returned. What Congress will do regarding the \$50,000 voted for the erection of stands at the Capitol had not been determined to-day.

As suggested by Mr. Harding, the inauguration ceremony, it was indicated to-day, will consist simply of the formal administration of the oath of office and an address by the new President, probably from the east steps of the Capitol. Then Mr. Harding will proceed quietly to the White House, where his own language, he "will hang up his hat and go to work."

## MAYOR THOMPSON VISITS HARDING

Complications Over Patronage Expected as Result of Chicagoan's Fight With Illinois Leaders.

MADISON, O., Jan. 11.—Mayor William Hale Thompson of Chicago to-day conferred with President-elect Harding, presumably on the patronage situation in Illinois. Complications are expected, due to the extremely bitter feud between Thompson and other Illinois leaders. It was believed Thompson will take the opportunity to oppose the appointment of Charles G. Dawes, Chicago, as Secretary of the Treasury.

B. C. Cramer, Brownville, Tex., lawyer, who was Harding's host at Point Isabella after the election, was expected to discuss political appointments here to-day. Dr. Jacob Gould Sherman, President of Cornell University, was another visitor.

## HARDING IN FLORIDA JAN. 21.

Will Join Senator Frelinghuysen for Horseboat Cruise.

AUDUBON, Fla., Jan. 11.—President-elect Harding and Mrs. Harding will arrive at the Ponce de Leon Jan. 21, when they will meet Senator and Mrs. Joseph R. Frelinghuysen of New Jersey and join them on their houseboat Victoria for a cruise down the coast of Florida.

Upon his return President-elect Harding will remain here the greater part of January in conference with some of his staff.

Fire Sweeps Lexington, Ky. LEXINGTON, Ky., Jan. 11.—A big fire was sweeping the retail district on West Main Street here this afternoon. The department store of Wolf, White & Co. has been wrecked and the stores of Louis D. B. Smith Company and the Kaufman Clothing Company are burning.

## WHAT IS DOING TO-DAY IN CONGRESS

### SENATE.

Finance Committee to conclude hearings on Emergency Tariff Bill.

Immigration Committee continues hearings.

Vote expected on resolution stopping recruiting for the army.

La Follette motion to reconsider Poinsett Anti-Strike Bill may be called up.

### HOUSE.

Consideration of Legislative, Executive and Judicial Appropriation Bill.

Secretary Daniels outlines views of disarmament before Naval Affairs Committee.

Representatives of Women's Peace Party urge disarmament.

Interstate Commerce Committee opens hearings on bill to protect property rights of American women who marry aliens.

Immigration Committee hears witnesses from Ellis Island.

Public Lands Committee considers resolution of Representative Baker to recover oil lands granted to the Southern Pacific Railroad.

Judiciary Committee holds hearing on bill to grant suffrage to District of Columbia.

# B. Altman & Co.

MADISON AVENUE - FIFTH AVENUE, NEW YORK

Thirty-fourth Street      Thirty-fifth Street

## An Unusual Reduction Sale of Men's Imported All-wool Hosiery

to be held

### to-morrow (Wednesday) on the First Floor

will afford an uncommon opportunity for the economic purchase of this most desirable type of footwear, the figures quoted below representing tremendous reductions from regular prices

### Men's Imported Wool Half-hose

in smart ribbed effects, with or without clocks; and in plain mixtures, with clocks

at \$1.65 per pair

### Men's Imported Wool Golf Hose

With plain tops . . . per pair \$2.25

With novelty cuff tops . . . per pair 2.75

## SLED TRACKS IN ICE TRAIL THAT SAVED THREE BALLOONISTS

(Continued From First Page.)

will take at least ten days to make the trip and then about four days to go from Mattice to New York. I should be in New York about Jan. 10, my twenty-third birthday. I had planned to see you then, but you know now why that was impossible.

It makes me feel very sad to think this incident in my life will have caused you so much worry and distress during the holidays, when instead of enjoying yourself you were sad, dejected and believed me dead, and if you can realize how near we were to death and how miraculously we were snatched from death you would forgive and forget it all. So pray for me and with me and give thanks to God for me and for my safe return home. Just as soon as it is possible after I get back to my station and get everything cleared up officially I will come home on leave.

The station had probably given us as lost and sent all my belongings home. If so, please arrange to send them back to Rockaway as soon as you can and send me any mail that may have been forwarded to you. When I get to New York I will write you a long letter and give you all of the news. Until then, think of me. I am safe, sound and in good health. With lots of love to you and all the kids and all of my friends at home. Your boy.

(The letter was postmarked Mattice, Ontario, Jan. 4.)